SOUTHERN DISTRICT OF NEW YORK	V
UNIVERSAL REEFERS LTD.,	·A
Plaintiff,	08 CV 5500 (JGK)
v.	
DGM COMMODITIES a/k/a DGM COMMODITIES CORP.,	
Defendant.	v
	·A

## ATTORNEY DECLARATION IN SUPPORT OF MOTION TO VACATE THE ATTACHMENT

Pursuant to 28 U.S.C. § 1746, Eugene J. O'Connor, Esq., declares under the penalty of perjury:

- 1. I am a member of the Bar of the State of New York, and admitted to practice before this Court, and am a member of the firm of Chalos, O'Connor & Duffy, LLP, attorneys for the Defendant DGM Commodities Corp. (hereinafter "DGM Commodities") in this action.
- 2. I am fully familiar with the matters set forth in this declaration, which is submitted by Order to Show Cause in support of Defendant DGM Commodities' Motion to Vacate the Order and Process of Attachment and Garnishment.

Filed 07/03/2008

3. Based on the information provided by Messrs. Freehill, Hogan & Mahar, LLP, attorneys for Plaintiff Universal Reefers, Ltd., the following wire transfers of Defendant DGM Commodities have been attached to date:

Date	Garnishee Bank	<u>Amount</u>
June 26, 2008	Standard Chartered Bank	\$59,788.00
June 26, 2008	Deutsche Bank	\$7,959.84
June 26, 2008	Deutsche Bank	\$119,714.39
June 26, 2008	JP Morgan Chase	\$3,000.00
June 26, 2008	JP Morgan Chase	\$50,998.50
June 27, 2008	Bank of America	\$22,690.00
June 27, 2008	Bank of New York Mellon	\$33,020.00
June 27, 2008	Deutsche Bank	\$199,987.00
June 30, 2008	Bank of America	\$18,020.39
June 30, 2008	Bank of America	\$28,000.00
Total amount attac	hed =	\$543,178.12

4. As is set forth in the accompanying Memorandum of Law submitted in support of this application to vacate the attachment, the foregoing attachments should be vacated and this action dismissed.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: Port Washington, New York June 30, 2008

CHALOS, O'CONNOR & DUFFY, LLP Attorneys for Defendant DGM Commodities

By:

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